

Remarks

In the outstanding Official Action, the Examiner stated the indicated Allowability of claims 3, 5 and 41 is withdrawn in view of the newly discovered reference(s) to Macoviak, et al. (6,395,014), and rejected claims 3, 5 and 41 under 35 USC 102(e) as being anticipated by Macoviak '014.

In response, Applicants have now amended claims 3, 5 and 41 to more clearly define the present invention with respect to the prior art of record.

Referring to Fig. 4B and page 15, lines 22-29, the above-identified application discloses that the "filtering membrane 3'...sits just upstream of [the] temporary valve 2b.... By placing [filtering membrane 3'] upstream of the temporary valve 26 is prevents prolapse of the temporary valve leaflets." Accordingly, no new matter is being added to the application with respect to amended claims 3, 5 and 41.

Claim 3 of the present invention comprises a device for performing intravascular procedures, the device comprising a valve means positioned at the portion of the device configured for placement in the flowpath of the blood vessel, and a filter configured on the upstream side of the device and the valve

means configured on the downstream side of the device so as to position the filter upstream of the valve means and prevent prolapse of the valve means with the filter during blood flow in an upstream direction.

Applicants believe that Macoviak et al. disclose a cerebral embolic protection assembly having an embolic filter assembly, and a selectively deployable external flow control valve mounted on an elongated catheter shaft upstream of the embolic filter assembly. Applicants believe that Macoviak et al. does not disclose a device for performing intravascular procedures comprising a filter configured on the upstream side of the device and a valve means configured on the downstream side of the device. Accordingly, claim 3 is believed to be in condition for allowance, and allowance thereof is respectfully requested.

Claim 5 of the present invention comprises a device for use in intravascular procedures, the device comprising a filter including a flowpath spanning portion positioned at the portion of the device configured for placement in the flowpath of the blood vessel, and a valve assembly including valve elements configured on the downstream side of the device and the filter configured on the upstream side of the device so as to position

the valve assembly downstream of the flowpath spanning portion of the filter and prevent prolapse of the valve elements with the filter during retrograde blood flow.

Applicants believe that Macoviak et al. disclose a cerebral embolic protection assembly having an embolic filter assembly, and a selectively deployable external flow control valve mounted on an elongated catheter shaft upstream of the embolic filter assembly. Applicants believe that Macoviak et al. does not disclose a device for performing intravascular procedures comprising a valve assembly including valve elements configured on the downstream side of the device and a filter configured on the upstream side of the device. Accordingly, claim 3 is believed to be in condition for allowance, and allowance thereof is respectfully requested.

Claim 41 of the present invention comprises a device for performing intravascular or intracardiac procedures, the device comprising a valve means positioned on the downstream side of the device and a filter positioned upstream of the valve means on the upstream side of the device.

Applicants believe that Macoviak et al. disclose a cerebral embolic protection assembly having an embolic filter assembly,

and a selectively deployable external flow control valve mounted on an elongated catheter shaft upstream of the embolic filter assembly. Applicants believe that Macoviak et al. does not disclose a device for performing intravascular or intracardiac procedures comprising a valve means positioned on the downstream side of the device and a filter configured on the upstream side of the device. Accordingly, claim 41 is believed to be in condition for allowance, and allowance thereof is respectfully requested.

New claims 50-52, which depend directly from independent claims 3, 5 and 41, respectively, are believed to be in condition for allowance for at least the above-identified reasons.

In the event that any additional fees may be required in
this matter, please charge the same to Deposit Account
No. 16-0221.

Respectfully submitted,

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